

	MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES CHILD AND ADULT CARE FOOD PROGRAM	ISSUED	REVISED	CHAPTER	SECTION
	EMERGENCY/HOMELESS SHELTERS POLICY & PROCEDURE MANUAL	6/1/02	4/09	12	12.4
CHAPTER Chapter 12. Complaint and Appeal Procedures		SUBJECT Determination of the Hearing Officer			

The Hearing Officer shall make a written determination based upon written information submitted by the Bureau of Community Food and Nutrition Assistance (BCFNA), written information submitted by the shelter in support of its position, additional information as may be obtained by the Hearing Officer from any other person or persons having relevant and pertinent information, and information presented orally at the hearing.

The Hearing Officer will make a determination on the action under appeal within 60 calendar days from the date of notice of the adverse action in accordance with the regulations governing the CACFP. This determination is the final administrative decision on the matter. It is not subject to further administrative review or reconsideration.

The Hearing Officer's determination will be sent by certified mail-return receipt requested, to the appellant's institution or its representative. A copy will also be sent to the BCFNA. It will take effect immediately upon receipt by the appellant institution or its representative.

In the case of a denial of a facility's application to participate in the Program, the determination of the Hearing Officer will either sustain the denial or shall direct that the shelter be approved for participation.

In the case of a denial of all or part of a claim for reimbursement, or demand for refund of an overpayment, the determination of the Hearing Officer will either sustain the action under appeal, or specify the amount of the claim for reimbursement, or refund of overpayment to be paid.

In the case of the termination of a shelter's participation in the Program, the determination of the Hearing Officer shall either sustain the termination or shall direct that the shelter be permitted to continue participation in the Program.

If an appeal and request for administrative review involves any doubtful questions of law, the Hearing Officer will obtain the advice of the Office of General Counsel, Missouri Department of Health and Senior Services.

Reference: 7CFR226.6(k)